

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Jack Rogers and Paul Pinella,

Plaintiffs,

v.

Comcast Corporation
and AT&T Broadband,

Defendants.

2004 JUL -1 P 6:12

Civil Action No.: 04-10142 EFH

FILED
CLERK'S OFFICE

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A MEMORANDUM
OF LAW LONGER THAN 20 PAGES IN SUPPORT OF THEIR
OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ARBITRATION**

Plaintiffs Jack Rogers and Paul Pinella (the "plaintiffs") hereby move this Court, pursuant Local Rule 7.1(B)(4), for leave to file a memorandum of law longer than 20 pages in support of their opposition to defendants' Motion To Compel Arbitration.¹ As grounds for this Motion, plaintiffs state as follows:

1. Plaintiffs brought this class action lawsuit against defendants alleging that defendants engaged in conduct violative of Sections 1 (market allocation) and 2 (monopolization and attempted monopolization) of the Sherman Act, 15 U.S.C. §§ 1 and 2.
2. Defendants have moved to compel arbitration (on an individual basis) pursuant to an alleged arbitration agreement between the parties. The issue of whether or not the alleged arbitration agreements are valid and/or enforceable in the present case requires a comprehensive analysis of numerous factual and legal issues and, thus, necessitates an opposition of over twenty pages.
3. Considering the complexity of this case and what is at stake here – defendants' motion seeks for all practical purposes to prevent plaintiffs from litigating their claims in court –

¹ Plaintiffs' memorandum of law is 22 pages.

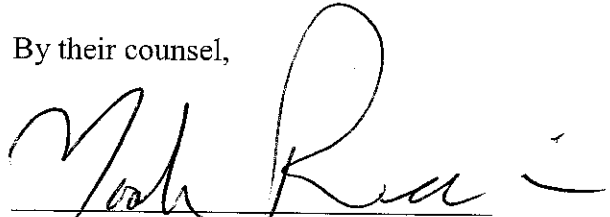
this Motion should be allowed.

WHEREFORE, based on the foregoing, this Motion should be allowed.

Respectfully submitted

Jack Rogers and Paul Pinella,

By their counsel,

A handwritten signature in black ink, appearing to read "John Peter Zavez", is written over a horizontal line.

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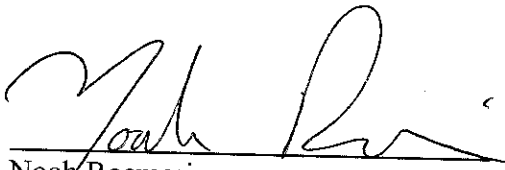
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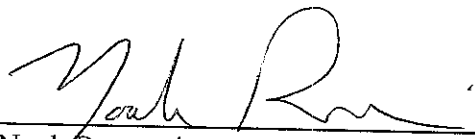
CERTIFICATE OF CONFERENCE PURSUANT TO L.R. 7.1(A)(2)

Pursuant to L.R. 7.1(A)(2), I certify that counsel for Plaintiffs have conferred in good faith with counsel for the defendants on June 30, 2004 in an attempt to resolve the issues that are the subject of this Motion, but that the parties were unable to reach an agreement requiring Court action on this Motion.


Noah Rosmarin

CERTIFICATE OF SERVICE

I hereby certify that a true copy
of the above document was served upon the
attorney(s) of record for each other party
by ~~hand~~ and mail on this date 7/01/04.


Noah Rosmarin